

fell a victim in six days after he received his wounds, in the 27th year of his age.—Why the public have not received information of this treatment before, when a letter which contained it has been in town three weeks, we do not pretend to determine.

NEW-YORK, April 28.

From the late accounts it appears that the *Marquis del Campo*, was shortly to leave England as ambassador to the French Republic, from the court of Spain. Delays which had attended his departure, and the frequent conferences he had held with the English administration, had occasioned, among other conjectures of a pacific nature, a surmise that his excellency was charged with some mediating powers for effecting a general pacification.

The King of Spain, in his intended hunt and journey through the mountains, on the confines of Portugal, it is said, was to be accompanied by a select party of about five thousand persons!

May 3.

BRITISH MINISTER.

Last evening arrived at this port in the assistance of fifty guns, captain Mowatt, his excellency ROBERT LISTON, Esq. Minister Plenipotentiary from the Court of Great Britain, to the U. States.

Mr. Liston was, some time since, minister at Constantinople; and but lately returned to England, where he was appointed to this country. He was married about a fortnight before his departure, and is accompanied by his lady. We are informed he intends landing this morning.

The following important intelligence is received by the fifty gun ship *Assistance*, arrived here on Monday, in 7 weeks from Portsmouth.

A London paper of the 19th of March, received by the ship *Assistance*, contains accounts of a probability of a war between Spain and England. It is believed at Paris, that it is an agreed point between France and Spain, that Spain shall break with Great Britain, but before this event takes place, some beneficial arrangements are to be completed. French troops are embarking on board Spanish ships for the West Indies, as the most eligible mode of conveying reinforcements to the islands. It is suggested also at Paris, that the actual destination of the Dutch fleet, which has sailed from the Texel, is to join the French fleet in the Mediterranean. [ARGUS.]

PHILADELPHIA, May 4.

By the ship *Liberty*, capt. Bail, arrived at Wilmington (Del.) in twenty-three days from Martinique, accounts are received, of a British 50 gun ship having been taken by a French frigate of 30 guns near Guadaloupe, they fought near 24 hours and parted to repair their rigging; commencing the action again, the British vessel was dismantled and carried into Baffterre. The above information capt. Bail received from the captain of a revenue sloop belonging to St. Croix, who told him that he saw the captured ship carrying into Baffterre. If this information had been fairly stated to captain Bail, it is presumed that the French frigate must have been a 74 cut down.

May 7.

Tuesday, Don JOSEPH IGNACIO DE VIAL, his Catholic majesty's consul general, was received and acknowledged by the president of the UNITED STATES as charge des affaires from Spain, in lieu of Don JOSEPH JACQUES, who has obtained leave from the king to return to Spain.

We learn from good authority, and mention it in corroboration of the report in this paper from Lisbon and London, of a rupture between England and Spain; and that in 1808, the British minister, refused a yalide in the Affair.

tance, to the Spanish minister appointed to the UNITED STATES, who was in England at the time of his departure.

The ship *Hanibal*, which was mentioned in a daily paper, is in 36 days from Lisbon—the got aground on Tuesday evening on the flats of Reedy point—a passenger informs, that great preparations are making by that court, in conjunction with the Spaniards, for war with England.

In the council of Five Hundred, a decree passed on the eighth of March, ordaining that no man should hold a public office unless he would take the oath of "hatred to royalty." Public officers who should not take that oath in three days were to be transported.

The assistance on her passage, took the French privateer *Le Chef-leur* capt. Derribeau, carrying a guns, and 75 men, which she sent to Bermuda. The prisoners were given up to the French consul at New-York.

BALTIMORE, April 28.

A correspondent, who has visited the presidents house at the Federal City, says, that the kitchen alone is large enough to hold the heads of representatives of Congress, and that the senate may find room to sit in the chimney corner. He cannot conceive where a president will be found, who is rich enough to buy suitable furniture for such immense apartments.

A late number of the *Analectical Review*, printed at London, has a curious article respecting a German book published in Altena. It is entitled *Der Genius Der Zeit* consisting of twelve numbers. The title of the third number runs thus:—

"The trial of the Scottish advocate THOMAS MUIR, who for various endeavours to effect a reform in the parliament of his country was condemned to be transported to Botany Bay. This trial shall recite in the breast of every German, an echo for his native land, *We have seen a man sent to Botany Bay on account of an accusation, to which a German court of justice would have been ashamed to listen.*"

PITTSBURGH, May 14.

Extract of a letter from Cincinnati. "What it is owing to is not known; but certain it is that the British have altered their minds about giving up Detroit. The Indians from that way say, that their old father is not going to give them up yet. Their tears are getting over; they are angry with themselves for being beat by so few men as they see in the garrisons. They say they were bewitched, but their conjurers will get the better next time."

"John Hamilton has given notice to the traders, not to have any goods on the roads between the garrisons from the 15th of May to the 15th of June; that he has a hint from an Indian friend that a stroke may be made; and if made at all, it will be then. Hamilton gives his opinion positively that if the posts are not surrendered at the time, there will be a worse Indian war than has ever yet been."

A gentleman arrived at this place on Tuesday evening last, in twenty days from Fort Washington, confirms the above. He conversed with Hamilton, who had intelligence from his friends among the Indians, that it would be dangerous to be upon the roads from the middle of April, that there was a general dissatisfaction among the Indians, and that he certainly expected war, unless the taking possession of the Posts at an early period, and shewing a force behind them in the country prevent it.

In addition to the above, the Tawa chief who was here from Sandusky a short time ago, said the Indians were melancholy, and did not know what to do. The British told them it was all darkness towards the United States yet, if they

would wait, they would have light by and by.

These particulars were sufficient, what we are to expect if the appropriations are not made, the treaty carried into effect, and the posts surrendered. It is possible that after all there will be a partial war, but certainly, if this point is not gained.

This country is in a state of general alarm; we hear that the Clergy are convening their congregations to come forward, to petition the House of Representatives. We are alarmed at the obliquity of our immediate representatives, Gallatin and Findley.

* It was John Hamilton who gave the first notice of war breaking out after the Mulkington treaty. He was trading at the mouth of Beaver, and overheard an Indian talking to another of what was to be done. Taking an opportunity of founding one of these who was friendly to him, and but a boy, he discovered the design against himself, and William Wilson, another trader at that place. He gave notice to Wilson, and moved off his own goods across the river. Wilson thought it was a feint to alarm him to move off, that Hamilton himself might come back and take the whole trade with the Indians then at that place. But had it not been that the party with Biggs in pursuit of Rolen next day, and killed a number and dispersed them, Wilson would have been murdered and his store robbed, for the war hatchet had been lifted at that time. All this was proved by Hamilton, and acknowledged by Guy's Sutho, at the trial of Captain Brady, who was of Biggs's party.

THE PARTNERSHIP OF WEBBER & LINTEL

WILL be dissolved the 15th day of July next. All those indebted to them, are requested to pay off their accounts immediately.

THE BAKING BUSINESS will, in future, be carried on by the subscriber, on Cross Street in Lexington. LAWRENCE LINTEL, May 13, 1796. 12w

MIDDLETOWN. TO BE SOLD TO THE HIGHEST BIDDER.

ON the first day of June next, on the plantation of the subscriber, one mile east of Myers, or Francis's mills on Stoner, a number OF IN AND OUT LOIS, of the town of Middletown; the lands are, one half the purchase money to be paid within one year, the other half within two years after sale.—The sale to begin early in the morning.

The situation of Middletown is equal to any in the state; it being nearly in the center between Bourbon, Clarke, Little Mountain, and Millerburgh; and in the direction suitable for roads to pass through to the above places, one of which is already open.—24 lots in Middletown were sold for 247, on the 15th of April, and others since.

JAMES SWINNEY.

Bourbon county, May 9. 13w

STATE OF KENTUCKY.

Fayette Court, April Quarter Session Court, 1796.

JOHN ALLISON, Complainant,

Against JAMES PARBERY & Defendants, WALTER TAYLOR,

IN CHANCERY.

The defendant James Parbery, not having entered his personal answer to an act of assembly and the rules of this court—And it appearing to the satisfaction of the court, that he is not an inhabitant of this state, on the motion of the complainant by his counsel, it is ordered, that the said defendant do appear here on the second Tuesday in September next, and answer the complainant bill that a copy of this Order be forthwith inserted in the Kentucky Gazette for two months successively, & published once Sunday at the door of the Highways meeting house in Lexington immediately after Divine service, and at the front door of the court house of this county. (A Copy) Trille.

Levi Tod, C. Cur.

TAKE NOTICE,

Agreeably to an order of

Bourbon court, I shall attend with the commissioners appointed by said court, at Andrew Kinshead's, about four miles from said court house on Stoner, on Tuesday the 21st of June next, in order to prove the beginning for a thousand acres of land, located and surveyed by John Fleck for James Dapuy, to take the depositions of certain witnesses to establish the said beginning and to do such other acts as the law directs.

JAMES LITTLE.

May 18, 1796.

FOUR DOLLARS REWARD

STAYED away out of the palace of Captain Russell near Frankfort a black some dark bay Horse with a snip on the side of his nose, natural trotter about sixteen hands and a half high, low in flesh, whoever will bring back the said horse shall have the above reward and all reasonable charges paid them by.

ELISHA WINTERS.

April 27.

Lexington, May 28.

EXTRACT OF A LETTER

From a gentleman in London to a member of Congress, dated Feb. 27.

"The present news of this day represent that negotiations for peace are not likely to succeed; that the grand armies on the Rhine are rapidly increasing; that the French armies will shortly consist of 300,000; that the French are exchanging all their old field artillery for new; the Field Marshal Clairmont has resigned the command of the Austrian army, which is given to the Arch Duke Charles, &c. In short, every thing indicates a warm bloody campaign."

Mr. BRADFORD:

I TAKE this method through your press to inform the public as well as James Garrard, that I shall contest said Garrard's election as governor for the following reasons:

The electors had no right to take a second ballot, by the twelfth section of the first article of the constitution.—I voted one vote having been given to me on the first ballot, and fourteen to Garrard; I was duly elected in stead of him—I consider if the constitution is so infringed upon, that it becomes my duty to lay the matter before the public. It is not upon my own judgment, Mr. Bradford, that I altogether depend; it is the general opinion of those I have consulted; and I shall take the liberty of giving the public the opinion of the attorney general on that head. Yours.

QUESTION,

By Benja. Logan, to John Breckinridge, Attorney Genl.

"In the last election for a governor of this commonwealth, the electors, (who were 30 in number) proceeded to ballot, when their votes were found to stand as follows: B. Logan 21; James Garrard 16; Thomas Todd 14; and John Brown 7. The electors took a second ballot for Benja. Logan and J. Garrard, when James Garrard obtained the great number of votes and was declared governor.—Had the electors a right under the constitution to proceed to a second ballot, and is James Garrard legally elected?"

ANSWER.

I do not conceive that this question can come before me as attorney general for this commonwealth. It is not one of the duties prescribed to that office by the constitution, and I have seen no law requiring him to give an opinion on a case like the present.

My opinion however as a lawyer I can give you.

It is upon the 12th section of the 1st article of the constitution, this question depends.—In the construction of every instrument, the intention and object of its author, is sought after, in order to discern its meaning. This is a construction founded in reason and adopted by law; and has been peculiarly applied to statutes and other regulations which have been made for the guide of men's conduct. This rule cannot apply more strongly to the true construction of

any thing than the constitution of ones country, it being the grand rule of conduct to which all others must subserve, and containing such strong expressions of the general will that every man is supposed not only to understand it, but to have had a share in its formation.—The 14th sect. pursues a method of election, that is of modern date, and I expect had principally in view (so far as respects the election of a governor) the Federal constitution. The intention and object must have been, to have created a body, in which was intended to be infused more wisdom, deliberation, and political information, than was generally exercised by the mass of the people from whom they were selected. But it could not have been intended that they should possess higher or other powers, than those who gave them existence; and an elector when he deposited his ballot, must be supposed to have done that, and that only, which all who voted for him would or could have done, had they have been called on to vote. Some difference there is, it is true, in the method of deciding an election, where the votes are equal, between the people and the electors. The sheriff decides the first, and the constitution directs the method as to the second. If then the electors represent those by whom they are delegated, and have power to do that, which their constituents would have done had they been present, and no more, it seems to follow, that the election held by the electors, must operate the same effect, and in the same manner, as if all their constituents had been actually present. Had their constituents been present, the person to whom the greatest number of votes were given, would have been elected, whether the whole of the votes be given, amounted to a majority of all the votes in the commonwealth or not. What power would the people thus assembled have had, in the situation the electors stood after the first ballot, to have taken a second ballot, for the two highest on the poll? In a democracy, there is no true criterion of choice, but by a majority of wills. Every man has a right to place that choice on whom he pleases; and when he has expressed that choice by giving his vote, I do not see what right he then has to retract that, and make a second or a third. When the electors all may, the whole people, were in the eye of the constitution, assembled together for the purpose of choosing a governor.—Sundry citizens are proposed, and all obtain votes, but the greatest number falls to one. That one must certainly be elected; unless there be some constitutional regulation or restriction, which requires a majority of voices and which also requires, that they shall persist in voting, until such majority fall upon some one person.

This article although it appears to be taken from the first sect. of the 2nd article of the Federal Constitution is totally silent as to the necessity of a majority of electors concurring in an election. The Federal constitution requires in express terms the concurrence of "a majority of the whole number of electors appointed," in the choice of a president. This goes strongly to show, that to make a majority of electors of any kind, whether mediate or immediate, necessary to an election, there must be an express constitutional provision to that effect.—But it is beyond question, that under our constitution, the concurrence of a majority of the electors, is not necessary to an election; for it declares, "that they or a majority of them so met shall proceed to elect" &c.—There are 56 electors; 29 make a majority; 15 therefore can make an election, and I cannot see why an election could not be made by a number still smaller, as the constitution does not even imply, that the person elected must have a majority of the votes present. There is a provision in the constitution

it is true, for a second ballot, but that is expressly confined to the case of candidates having an equal number of votes; and no other is mentioned, altho such a case as the one under consideration must have occurred to any man.

Reason and natural right therefore, not justifying this method, and the constitution not directing a second ballot, except in the case of an equal division only, what authority had the electors to take a second ballot, when each candidate had different numbers? I can discover no authority, except that derived from custom, and that custom created by legislative bodies for their own particular government.—It is a custom in the Legislature of Virginia, and I believe in the practice of the other American Legislatures (who elect to offices) when neither candidate has a majority of the votes present to vote a second time for the two highest on the poll.

But what has this to do with the provisions of our constitution? If those parliamentary customs were thought important, they would have been engrafted into the Kentucky Constitution; and as they were not, they cannot be attended to; for the electors as such, can acknowledge no earthly guide or control but the constitution of their own country. If then this parliamentary custom could not answer all cases, suppose, messrs. Garrard and Todd had each got 10 votes, which of the two ought to have been dropped on the second ballot?

A little reflection will satisfy any person that this method of persisting to ballot until some one candidate shall attain a majority, would open a door to practices by which the best men in the commonwealth might easily be excluded.

The time which I have had to consider this question being much shorter than I could have wished & the question itself being a new one to me it is very likely my opinion may be erroneous, I would therefore advise Gen. Logan to take other counsel; My opinion however is, that Gen. Logan was constitutionally elected Governor, upon the first ballot, and ought to have been declared and returned as such by the electors. J. BACKENIDGE. May 24 1796.

TRANSLVANIA SEMINARY.
At a stated meeting of the trustees of the Transylvania Seminary, in April 1796, adjournment of said board was made till the first of June next.

The trustees are requested to attend that adjournment at the seat of the Seminary at O'Clock A. M. as the President has resigned his appointment, and a new one in consequence thereof will be chosen, when some other business of importance is expected to be brought forward at the time fixed. May 9, 1796 John Campbell, Chm.

TRANSLVANIA LIBRARY.
Committee meeting, April 18, 1796.

RESOLVED, that a general meeting of the library be called, to meet at the Seminary on the day and hour to be fixed by the trustees on the first Friday in June next, in order to take into consideration the propriety of irrevocably binding themselves to continue the library at the Seminary.

H. T. TOLSON, CL. T. L. C.

NOTICE.—On the first Friday in June next, I shall attend the commissioners appointed by the court of Harrison county, at a tree marked SM on the south fork of Mill creek, (near the place where John Adams now lives) the beginning of an entry of five thousand acres of land made in the names of Thomas Holt and Samuel M'Millan, then and there to perpetuate the testimony of certain witnesses respecting the call in said entry, and do such other act as shall be deemed necessary and agreeably to law.

SAMUEL M'MILLAN. May 24, 1796.

NOTICE is hereby given, that on the 30th day of June next, I shall attend with the commissioners appointed by Shelby county, on Fox run, on the land claimed by William Henton, heir at law to Evan Henton, virtue of a preemption and settlement then and there to perpetuate the testimony respecting said preemption and settlement, pursuant to the act of assembly in that behalf made and provided.

WILLIAM HENTON. May 24, 1796.

FRESH GOODS

Alex. & James Parker,
HAVE just imported and now opening at their Store in Lexington, opposite the Court House, a large and handsome assortment of well chosen MERCHANDISE, suited to the present season; which they will sell on very moderate terms for CASH and HIDES.

May 27, 1796.

ALL PERSONS
INTERESTED to the late partnership of IRWIN & BRYSON, are requested to pay their accounts or notes to THOMAS IRWIN or JOHN A. SATZ, who only can give discharges.—One months indulgence will be given and no longer.

Lexington, 27th May, 1796.

NOTICE
Commissioners appointed by the court of Scott county, will attend at Mr. Beatson's living on Miller's run, a north branch of the north fork of Elk River, on the first Monday day of June next, then and there to perpetuate the testimony of certain witnesses, respecting the call of an entry on settlement right made in any name as assignee, since the purchase of the said land lying on said Miller's run; and do such other acts as shall be deemed necessary and agreeably to law.

LEONARD HALL. May 27, 1796.

NOTICE
I hereby given, that I shall on the 1st day of August next, attend with the commissioners appointed by the court of Harrison county, in pursuance of the act entitled "An act to ascertain the boundaries of lands and for other purposes," at the Cane Spring in said county, to perpetuate the testimony of certain witnesses respecting the improvement made by Joseph Irwin in the year 1794, and also the boundaries of a preemption of four hundred acres granted by the commissioners to the said Joseph Irwin, deceased.

PUBLIC NOTICE is hereby given, that we, John Stow, Walter Taylor, James Turley, Nathaniel Ewings, and William Ewings, do claim a preemption of 1000 acres of land, which was granted to John Ward, as assignee of Hugh Swetwail, in Clarke county, on the east side of Slate creek, including an improvement and a spring known by the name of the Elk River Spring.—Any person claiming land that may interfere with that claim are notified to attend at the said spring and improvement, on Friday the twenty-fourth day of June next; at which time and place we shall proceed to take the depositions of sundry witnesses to perpetuate testimony respecting the several calls in said Swetwail's certificate, and by the commissioners, according to a law of this state in that behalf made and provided.

STATE OF KENTUCKY.
Layette County, April Court of Quarter Session, 1796.
ROBERT PATTERSON, Complainant,
vs.
NATHAN READ, Defendant.

IN CHANCERY.
THE Defendant not having entered his appearance agreeably to an act of assembly, and the rules of this court; and it appearing to the satisfaction of the court that he is not an inhabitant of this state; therefore on the motion of the complainant by his counsel, it is ordered, that the said Defendant do appear here on the second Tuesday in September next, and answer the complainant's bill;—that a copy of this order be forthwith inserted in the Kentucky Gazette for two months successively, and published some Sunday at the Presbyterian meeting house in Lexington, immediately after Divine services; and at the front door of the court house in this county.

(A Copy) Teste
LEVI TODD, C. Cur.

Attest my hand, May 10, 1796.

To Mr. James Crawford, Chm. Sir,
What a feat either temporary or permanent, should be fixed upon for the Kentucky Academy; we therefore request you, sir, to call a meeting of the Board on the second day of June next, in order to deliberate on that subject, and such other business as may come before them. We are, sir, with due respect yours, &c. &c.

James Welch,
James Bybee,
William Gentry,
Robert Patterson,
Andrew McCallis.

In consequence of the above, the Trustees of said Academy are appointed to meet on the above mentioned second day of June at the house of Mr. Robert Megowan in Lexington.

JAMES CRAWFORD, Chm. May 10, 1796.

BOURBON COUNTY.

April Quarterly Court, 1796.
James Dupuy and } Complainants
William Thomas, }

vs.
Eli Kennedy, Sophia Kennedy, Washington Kennedy and Ary Kennedy, infants under the age of twenty-one years; Zechariah Wheat and Elizabeth his wife, Josiah Ather and Rebecca his wife, Samuel Harcher and Julia his wife, and John Kennedy (son of Daniel) heirs and devisees of John Kennedy deceased.

IN CHANCERY.

THE Defendants Zechariah Wheat and Elizabeth his wife, and John Kennedy (son of Daniel) not having entered their appearance herein agreeably to the act of assembly and the rules of this court; and it appearing to the satisfaction of the court that they are not inhabitants of this state; on the motion of the complainants by their counsel, it is ordered, that unless the said defendants do appear here on the first day of the next June court, and answer the complainant's bill; and that the same shall be taken as confessed; and that a copy of this order be forthwith inserted in the Kentucky Gazette three weeks successively, & at the front door of the Presbyterian meeting house in Paris.

A copy THOMAS ARNOLD, C. C. C.

At a Court of Quarter Session held for the County of Hardin, the 23d day of February 1796.

James Nourse, Complainant, vs. George James, John Anderson, James Brown, Daniel Philip Phillips & Ebenezer Oshburn, Defendants.

IN CHANCERY.

THE Defendant George James, not having entered his appearance agreeably to an act of assembly and the rules of this court; and it appearing to the satisfaction of the court that the said defendant is not an inhabitant of this commonwealth; on the motion of the complainant by his counsel, it is ordered that the said defendant do appear here on the fourth Tuesday in September next, and answer the complainant's bill; and that a copy of this order be forthwith inserted in the Kentucky Gazette for two months successively and published at the house of Mr. Joan Vertrees two squares it being a place of public worship, immediately after Divine services.

D. MAY C. H. C. Q.

STATE OF KENTUCKY.
Layette County, April Quarter Session Court, 1796.

Levi Todd, Complainant, vs. Elizabeth Riddle, widow of William Aukley deceased, and James Aukley, Howell Riddle, Henry Willis Riddle, and Mary Aukley, infants, heirs and representatives of William Aukley deceased.

IN CHANCERY.

THE Defendants not having entered their appearance agreeably to an act of assembly and the rules of this court; and it appearing to the satisfaction of the court that they are not inhabitants of this state; therefore on the motion of the complainant by his counsel, it is ordered, that they do appear here on the second Tuesday in September next, and answer the complainant's bill;—that a copy of this order be forthwith inserted in the Kentucky Gazette for two months successively, and published at the door of the Presbyterian meeting house in Lexington, some Sunday immediately after Divine services, and at the front door of the court house in this county.

(A Copy) Teste
LEVI TODD, C. Cur.

I take notice,

Agreeable to an order of Bourbon court, I shall attend with the commissioners appointed by said court, at Samuel Mitchell's on Monday 22th of June next, in order to certify the identical spot that was originally called Harrods Lick, about eight miles from Paris; in order to find out where the settlement and preemption of Samuel Henderson ought to run agreeable to his claim; that either claims adjoining or interfering with said Henderson may be legally ascertained, and where I shall take the depositions of jurymen witnesses to establish the same.

May 18th. JAMES DUPUY.

TAKE NOTICE

AGREEABLE to an order of Bourbon court, I shall attend with the commissioners appointed by said court, on Monday the twentieth of June next, to prove the beginning marked tree, for a thousand acres of land, located and surveyed for the subscribers, near a spring where Jeremiah France now lives, about eight miles from Paris, on the river of Spring-wagon and there to take the depositions of certain witnesses to establish the beginning and do such other necessary acts as the law directs.

James Dupuy. May 18, 1796.

1892